



February 20, 2015

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## HOUSE BILL No. 1359

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DIGEST OF HB 1359 (Updated February 19, 2015 9:54 am - DI 77)

**Citations Affected:** IC 16-35; IC 20-33; IC 20-34.

**Synopsis:** Immunizations. Requires the state department of health (department) to establish a program to provide information about the human papillomavirus (HPV) to parents, health care providers, and other individuals approved to administer the HPV vaccine and to establish goals and plans to increase the vaccination rate for the HPV infection. Requires the department to prepare an annual report concerning the program. Repeals and relocates the immunization laws from the education laws to the health laws. Requires a school to provide parents of grade 6 students information concerning the HPV infection. (Current law requires the information to be provided to the parents of grade 6 female students.) Adds hepatitis A to the list of school children immunizations. Requires the department to publish a calendar of immunization requirements. Requires the department to provide the department of education with immunization materials, and requires the materials to be distributed to students' parents and guardians. Allows documentation from the state immunization data registry to be used as proof of the student's immunization status. Requires a health care provider who administers an immunization to enter the information into the state immunization registry. Requires a school corporation to ensure that immunization information is complete in the state immunization registry not later than the first Friday in February. Makes conforming changes.

**Effective:** July 1, 2015.

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**Errington, Clere, Kirchhofer,  
Shackleford**

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January 14, 2015, read first time and referred to Committee on Public Health.  
February 19, 2015, amended, reported — Do Pass.

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HB 1359—LS 7387/DI 77





February 20, 2015

First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## HOUSE BILL No. 1359

A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 16-35-9 IS ADDED TO THE INDIANA CODE AS
- 2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2015]:
- 4 **Chapter 9. Human Papillomavirus (HPV) Program**
- 5 **Sec. 1. (a) The state department shall establish a program to do**
- 6 **the following:**
- 7 **(1) Provide information to:**
- 8 **(A) parents; and**
- 9 **(B) health care providers and other individuals approved**
- 10 **to administer the human papillomavirus (HPV) vaccine;**
- 11 **about the HPV infection and the HPV vaccine.**
- 12 **(2) Establish goals and plans to increase the vaccination rate**
- 13 **for the human papillomavirus (HPV) infection to achieve an**
- 14 **eighty percent (80%) immunization rate for children who are**
- 15 **at least thirteen (13) years of age but less than sixteen (16)**

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years of age not later than July 1, 2020.

(3) Work with various governmental agencies and private organizations to develop and distribute information regarding the human papillomavirus (HPV) infection and the HPV vaccine.

(b) In establishing the program under subsection (a), the state department shall:

(1) seek entities to form partnerships to work in cooperation with governmental agencies and private organizations;

(2) use a reminder and recall system and other provider education initiatives until the program achieves an eighty percent (80%) human papillomavirus (HPV) immunization rate for children who are at least thirteen (13) years of age but less than sixteen (16) years of age; and

(3) provide adequate attention on the human papillomavirus (HPV) immunization rate for minority and low income children.

Sec. 2. (a) Beginning September 1, 2016, the state department shall prepare annually a report that provides the following information:

(1) The estimated number of grade 6 students who have been immunized against the human papillomavirus (HPV) infection.

(2) Recent efforts to educate and inform:

(A) parents; and

(B) health care providers and other individuals approved to administer the human papillomavirus (HPV) vaccine; about the HPV infection and the HPV vaccine.

(3) Recent partnerships with other agencies and organizations to accomplish the goals of the program.

(4) Future plans and goals of the program.

(b) The report prepared under subsection (a) must be:

(1) presented annually to the interim study committee on public health, behavioral health, and human services established by IC 2-5-1.3-4; and

(2) submitted to the general assembly in an electronic format under IC 5-14-6.

SECTION 2. IC 16-35-10 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

#### **Chapter 10. Immunizations**

Sec. 1. (a) Each school shall keep an immunization record of the



1 school's students according to procedures prescribed by the state  
2 department.

3 (b) When a student transfers to another school, the school from  
4 which the student is transferring may furnish, not later than  
5 twenty (20) days after the transfer, a copy of the student's  
6 immunization record to the school to which the student is  
7 transferring.

8 (c) When a student enrolls in a state educational institution, the  
9 school from which the student graduated may furnish a copy of the  
10 student's immunization record to the state educational institution.  
11 If the student is enrolled in a state educational institution while still  
12 attending a secondary level school, the secondary level school that  
13 the student is attending may furnish a copy of the student's  
14 immunization record to the state educational institution.

15 Sec. 2. (a) Every child residing in Indiana who is enrolled in a  
16 public school (as defined by IC 20-18-2-15(2)) or an accredited  
17 nonpublic school (as defined by IC 21-7-13-4) shall be immunized  
18 as determined by the state department against:

- 19 (1) diphtheria;
- 20 (2) pertussis (whooping cough);
- 21 (3) tetanus;
- 22 (4) measles;
- 23 (5) rubella;
- 24 (6) poliomyelitis;
- 25 (7) mumps;
- 26 (8) varicella;
- 27 (9) hepatitis B;
- 28 (10) hepatitis A; and
- 29 (11) meningitis.

30 (b) The state department may expand or modify the list of  
31 communicable diseases that require documentation of immunity as  
32 medical information becomes available that would warrant the  
33 expansion or modification in the interest of public health.

34 (c) The state department shall adopt rules under IC 4-22-2  
35 specifying the:

- 36 (1) required immunizations;
- 37 (2) child's age for administering each vaccine;
- 38 (3) adequate immunizing doses; and
- 39 (4) method of documentation of proof of immunity.

40 (d) The state department shall publish, by November 30 of each  
41 year, a two (2) year calendar of immunization requirements and  
42 recommendations. The calendar must include the immunization



requirements for the next school year and recommendations for the following school year. Except in extreme situations or an outbreak emergency, changes to the immunization requirements may not occur unless the immunization recommendation has been published for at least twenty (20) months.

(e) The publishing time frames in subsection (d) do not apply in the event of an emergency, outbreak, or extreme situation as determined by the state health commissioner.

Sec. 3. (a) Each school shall notify each parent of a student who enrolls in the school of the requirement that the student must be immunized and that the immunization is required for the student's continued enrollment, attendance, or residence at the school unless:

(1) the parent or student provides the appropriate documentation of immunity; or

(2) IC 20-34-3-2 or IC 20-34-3-3 applies.

(b) A school that enrolls grade 6 students shall provide each parent of a student who is entering grade 6 with information prescribed by the state department of health under subsection (c) concerning the link between cancer and the human papillomavirus (HPV) infection and that an immunization against the human papillomavirus (HPV) infection is available.

(c) The state department of health shall provide a school described in subsection (b) with the information concerning cancer and the human papillomavirus (HPV) infection required in subsection (b). The information must include the following:

(1) The latest scientific information on the immunization against the human papillomavirus (HPV) infection and the immunization's effectiveness against causes of cancer.

(2) That a pap smear is still critical for the detection of precancerous changes in the cervix to allow for treatment before cervical cancer develops.

(3) Information concerning the means by which the human papillomavirus (HPV) infection is contracted.

(4) A statement that any questions or concerns concerning immunizing the child against human papillomavirus (HPV) could be answered by contacting a health care provider.

(d) The state department shall provide the department of education with material concerning immunizations and immunization preventable diseases for distribution to parents and guardians. The department of education shall provide these materials to schools to be provided to students' parents and



guardians. These materials may be distributed by a school by posting the required information on the school's Internet web site.

Sec. 4. (a) The parent of any student who has not received the immunizations required under this chapter shall present the student to a health care provider authorized to administer the immunizations.

(b) The health care provider or the health care provider's designee who administers the required immunizations to a student shall enter the immunization data information into the state immunization data registry in accordance with IC 16-38-5.

Sec. 5. (a) Each school shall require the parent of a student who has enrolled in the school to furnish not later than the first day of school attendance, proof of the student's immunization status, either as a written document from the health care provider who administered the immunization or documentation provided from the state immunization data registry.

(b) The statement must show, except for a student to whom IC 20-34-3-2 or IC 20-34-3-3 applies, that the student has been immunized as required under section 2 of this chapter. The statement must include the student's date of birth and the date of each immunization.

(c) A student may not be permitted to attend school beyond the first day of school without furnishing the documentation described in subsections (a) and (b), unless:

- (1) the school gives the parent of the student a waiver; or
- (2) the local health department or a health care provider determines that the student's immunization schedule has been delayed due to extreme circumstances and that the required immunizations will not be completed before the first day of school.

The waiver referred to in subdivision (1) may not be granted for a period that exceeds twenty (20) school days. If subdivision (2) applies, the parent of the student shall furnish the written statement and a schedule, approved by a health care provider who is authorized to administer the immunizations or the local health department, for the completion of the remainder of the immunizations.

(d) The state department may commence an action against a school under IC 4-21.5-3-6 or IC 4-21.5-4 for the issuance of an order of compliance for failure to enforce this section.

(e) Neither a religious objection under IC 20-34-3-2 nor an exception for the student's health under IC 20-34-3-3 relieves a



parent from the reporting requirements under this section.

(f) The state department shall adopt rules under IC 4-22-2 to implement this section.

Sec. 6. (a) The state department of health shall collect immunization data on school age children using the state immunization data registry. Each school corporation shall ensure that all applicable immunization information is complete in the state immunization data registry not later than the first Friday in February each year. The state department of health shall use the data to create aggregate reports.

(b) The state department and the local health department shall, for good cause shown that there exists a substantial threat to the health and safety of a student or the school community, be able to validate immunization reports by onsite reviews or examinations of nonidentifying immunization record data. This section does not independently authorize the state department, a local department of health, or an agent of the state department or local department of health to have access to identifying medical or academic record data of individual students attending nonaccredited nonpublic schools.

(c) The state department has exclusive power to adopt rules for the administration of this section.

Sec. 7. (a) Any rules adopted by the state department before July 1, 2015, under IC 20-34-4 shall be treated after June 30, 2015, as though they had been adopted by the state department under this chapter

(b) Any rules adopted by the department of education before July 1, 2015, under IC 20-34-4 shall be treated after June 30, 2015, as though they had been adopted by the department of education under this chapter.

(c) A reference in the Indiana Administrative Code to IC 20-34-4 before July 1, 2015, is considered a reference to IC 16-35-10 after June 30, 2015.

(d) This section expires July 1, 2022.

SECTION 3. IC 20-33-2-13, AS AMENDED BY P.L.43-2014, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 13. (a) A school corporation shall record or include the following information in the official high school transcript for a student in high school:

(1) Attendance records.

(2) The student's latest ISTEP program test results under IC 20-32-5.





(3) Any secondary level and postsecondary level certificates of achievement earned by the student.

(4) Immunization information from the immunization record the student's school keeps under ~~IC 20-34-4-1~~. **IC 16-35-10-1.**

(5) Any dual credit courses taken that are included in the core transfer library under IC 21-42-5-4.

(6) The student's latest PSAT program test results.

(b) A school corporation may include information on a student's high school transcript that is in addition to the requirements of subsection (a).

SECTION 4. IC 20-33-8-3, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) As used in this chapter, "expulsion" means a disciplinary or other action whereby a student:

(1) is separated from school attendance for a period exceeding ten (10) school days;

(2) is separated from school attendance for the balance of the current semester or current year unless a student is permitted to complete required examinations in order to receive credit for courses taken in the current semester or current year; or

(3) is separated from school attendance for the period prescribed under section 16 of this chapter, which may include an assignment to attend an alternative school, an alternative educational program, or a homebound educational program.

(b) The term does not include situations when a student is:

(1) disciplined under section 25 of this chapter;

(2) removed from school in accordance with IC 20-34-3-9; or

(3) removed from school for failure to comply with the immunization requirements of ~~IC 20-34-4-5~~. **IC 16-35-10-5.**

SECTION 5. IC 20-33-8-7, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) As used in this chapter, "suspension" means any disciplinary action that does not constitute an expulsion under section 3 of this chapter, whereby a student is separated from school attendance for a period of not more than ten (10) school days.

(b) The term does not include a situation in which a student is:

(1) disciplined under section 25 of this chapter;

(2) removed from school in accordance with IC 20-34-3-9; or

(3) removed from school for failure to comply with the immunization requirements of ~~IC 20-34-4-5~~. **IC 16-35-10-5.**

SECTION 6. IC 20-34-3-1, AS ADDED BY P.L.1-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,



2015]: Sec. 1. (a) When the power to make rules for the administration of a section of this chapter or ~~IC 20-34-4~~ **IC 16-35-10** is not specifically granted to a particular board or agency, the state department of health and the state board shall jointly adopt rules.

(b) A rule adopted under this chapter or ~~IC 20-34-4~~ **IC 16-35-10** must comply with IC 4-22-2. However, the state department of health may prescribe forms for any reports required under this chapter or ~~IC 20-34-4~~ **IC 16-35-10** without formal procedures.

SECTION 7. IC 20-34-3-2, AS ADDED BY P.L.1-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) Except as otherwise provided, a student may not be required to undergo any testing, examination, immunization, or treatment required under this chapter or ~~IC 20-34-4~~ **IC 16-35-10** when the child's parent objects on religious grounds. A religious objection does not exempt a child from any testing, examination, immunization, or treatment required under this chapter or ~~IC 20-34-4~~ **IC 16-35-10** unless the objection is:

- (1) made in writing;
- (2) signed by the child's parent; and
- (3) delivered to the child's teacher or to the individual who might order a test, an exam, an immunization, or a treatment absent the objection.

(b) A teacher may not be compelled to undergo any testing, examination, or treatment under this chapter or ~~IC 20-34-4~~ **IC 16-35-10** if the teacher objects on religious grounds. A religious objection does not exempt an objecting individual from any testing, examination, or treatment required under this chapter or ~~IC 20-34-4~~ **IC 16-35-10** unless the objection is:

- (1) made in writing;
- (2) signed by the objecting individual; and
- (3) delivered to the principal of the school in which the objecting individual teaches.

SECTION 8. IC 20-34-3-3, AS ADDED BY P.L.1-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. If a physician certifies that a particular immunization required by this chapter or ~~IC 20-34-4~~ **IC 16-35-10** is or may be detrimental to a student's health, the requirements of this chapter or ~~IC 20-34-4~~ **IC 16-35-10** for that particular immunization is inapplicable for the student until the immunization is found no longer detrimental to the student's health.

SECTION 9. IC 20-34-4 IS REPEALED [EFFECTIVE JULY 1, 2015]. (Immunizations).



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1359, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 1, delete "students. The records must be kept uniformly throughout" and insert "**students**".

Page 3, line 2, delete "Indiana".

Page 3, line 16, delete "enrolled in a state or" and insert "**who is enrolled in a public school (as defined by IC 20-18-2-15(2)) or an accredited nonpublic school (as defined by IC 21-7-13-4)**".

Page 3, line 17, delete "accredited K-12 school".

Page 4, line 15, after "immunity;" insert "**or**".

Page 4, delete lines 16 through 18.

Page 4, line 19, delete "(3)" and insert "**(2)**".

Page 4, between lines 19 and 20, begin a new paragraph and insert:

**"(b) A school that enrolls grade 6 students shall provide each parent of a student who is entering grade 6 with information prescribed by the state department of health under subsection (c) concerning the link between cancer and the human papillomavirus (HPV) infection and that an immunization against the human papillomavirus (HPV) infection is available.**

**(c) The state department of health shall provide a school described in subsection (b) with the information concerning cancer and the human papillomavirus (HPV) infection required in subsection (b). The information must include the following:**

**(1) The latest scientific information on the immunization against the human papillomavirus (HPV) infection and the immunization's effectiveness against causes of cancer.**

**(2) That a pap smear is still critical for the detection of precancerous changes in the cervix to allow for treatment before cervical cancer develops.**

**(3) Information concerning the means by which the human papillomavirus (HPV) infection is contracted.**

**(4) A statement that any questions or concerns concerning immunizing the child against human papillomavirus (HPV) could be answered by contacting a health care provider."**

Page 4, line 20, delete "(b)" and insert "**(d)**".

Page 4, line 24, delete "(c)".

Page 4, run in lines 23 through 24.

Page 4, line 30, delete "physician and request the physician administer the" and insert "**health care provider authorized to**



**administer the immunizations."**

Page 4, delete lines 31 through 35.

Page 4, line 36, delete "physician" and insert **"health care provider or the health care provider's designee"**.

Page 4, line 36, delete "vaccines to a" and insert **"immunizations to a student shall enter the immunization data information into the state immunization data registry in accordance with IC 16-38-5."**

Page 4, delete lines 37 through 41.

Page 5, line 1, after "of" insert **"school attendance, proof of the student's immunization status, either as a written document from the health care provider who administered the immunization or documentation provided from the state immunization data registry."**

Page 5, delete lines 2 through 5.

Page 5, line 12, delete "written statement," and insert **"documentation described in subsections (a) and (b),"**

Page 5, line 14, delete "physician" and insert **"health care provider"**.

Page 5, line 19, after "(20)" insert **"school"**.

Page 5, line 21, delete "physician" and insert **"health care provider who is authorized to administer the immunizations"**.

Page 5, line 31, delete "Not" and insert **"The state department of health shall collect immunization data on school age children using the state immunization data registry. Each school corporation shall ensure that all applicable immunization information is complete in the state immunization data registry not"**.

Page 5, line 31, delete "sixty (60) days after the enrollment of" and insert **"the first Friday in February each year. The state department of health shall use the data to create aggregate reports."**

Page 5, delete lines 32 through 42.

Page 6, delete lines 1 through 2.

Page 6, line 13, delete "A school shall file a report for each student who enrolls after".

Page 6, delete line 14.

Page 6, line 15, delete "of the school year."

and when so amended that said bill do pass.

(Reference is to HB 1359 as introduced.)

CLERE

Committee Vote: yeas 11, nays 0.

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